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DATE FILED: <u>10/25/07</u>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS FLORES,

Plaintiff,

-against-

*S*  
PROPOSED INITIAL  
CONFERENCE ORDER *RS*

07 CV 6388 (RJH)

CITY OF NEW YORK, ET AL..

Defendants.

*X*

1. Description of the Case

a. Attorneys of Record

Leventhal & Klein, LLP  
Attorneys for the Plaintiffs  
45 Main Street, Suite 820  
Brooklyn, New York 11201  
(718) 722-4100

MICHAEL A. CARDOZO  
Attorney for the Defendants  
100 Church Street  
New York, New York 10007  
(212) 788-8084

By: Brett H. Klein, Esq.

By: David Hazan, Esq.

b. The basis for federal jurisdiction are plaintiff's federal claims brought pursuant to 42 U.S.C. § 1983 and 1988, and the United States Constitution.

c. Claims/Counterclaims:

Plaintiff asserts claims of false arrest, excessive force, failure to intervene, municipal liability, and other related claims under 42 U.S.C. § 1983 and New York State law. There are no counterclaims.

d. Factual and Legal Issues in the Case:

The case centers around the basis if any, for the defendants' conduct during the execution of a search warrant, and the force used to arrest plaintiff, as well the propriety of plaintiff's arrest. Plaintiff was released from police custody without any charges being filed against him.

Plaintiff asserts that the defendants acted without probable cause, used excessive force, and otherwise in violation of his federally protected rights.

The defendants deny these allegations, and submit that they had probable cause to detain the plaintiff, and that any force used to detain the plaintiff was justified.

c. Relief sought: The plaintiffs seek compensatory and punitive damages, as well as attorneys' fees, and the costs and disbursements of this action.

2. **Proposed Case Management Plan**

- a. Pending Motions: None pending at this time.
- b. Proposed cutoff for joinder of additional parties: December 18, 2007
- c. Proposed cutoff for amendments to the pleadings: December 18, 2007
- d. Proposed schedule for completion of discovery:
  - i. Rule 26a1 disclosures: October 19, 2007 to the extent not already completed;
  - ii. Fact discovery completion date: April 25, 2008;
  - iii. Rule 26a2 disclosures: May 23, 2008
  - iv. Expert discovery completion date:
    1. Reports due by June 20, 2008
    2. Depositions to be completed by July 4, 2008
- e. Proposed date for filing dispositive motions: May 16, 2008
- f. Proposed date for filing of pretrial order: July 25, 2008
- g. Trial schedule:
  - i. A jury trial is requested by the plaintiffs.
  - ii. Probable length of the trial: approximately 3 days
  - iii. When the case will be ready for trial: September 15, 2008

3. Consent to Proceed Before a Magistrate Judge: The parties do not unanimously consent at this time.

4. Status of Settlement Discussions:

- a. Settlement discussions have occurred.
- b. The parties request a settlement conference.

Dated: October 9, 2007

Leventhal & Klein, LLP  
Attorneys for the Plaintiffs  
45 Main Street, Suite 230

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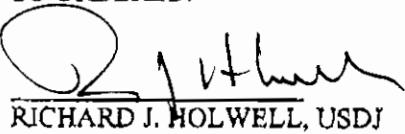
(212) 788-8084

By:



DAVID HAZAN

A status conference shall be held on May 02, 2008  
SO ORDERED:



RICHARD J. HOLWELL, USDI

10/24/07